

SENATE BILL 2736

By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following new paragraph at the end of subsection (a):

The official custodian of the records sought may require written application, signed by the applicant with his or her name printed legibly on the application, describing the records to be inspected. The application shall be hand-delivered, mailed, or sent via facsimile to the custodian of the records. If the person requesting the records requests that the copies of the records be mailed, the custodian shall mail the copies upon receipt of all fees and the cost of mailing.

SECTION 2. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following as new, appropriately designated subsections:

(_) Nothing in this section shall be construed to permit an agency to obstruct the inspection or copying of public records.

(_) Upon receipt of the application, the custodian shall promptly produce the record for inspection, provided, however:

(1) If the record is in active use or in storage and, therefore, not available for use at the time the person asks to examine it, the custodian shall so certify this fact in writing to the applicant and set a date and hour within one (1) calendar week of the request when the record will be available for examination;

(2) If the custodian considers the record to be a confidential record as defined in Tennessee Code Annotated, Section 10-7-504, or otherwise exempt from disclosure, the custodian shall so certify in writing stating the reasons for denial of access to the record. Such certification shall be made within two (2) business days, unless otherwise provided in subdivision (4). The custodian shall also notify the person of the right to petition for access to the record pursuant to Tennessee Code Annotated, Section 10-7-505;

(3) If a record does not exist, the custodian shall certify in writing that the record does not exist under the name provided by the applicant or by any other name known to the custodian;

(4) In unusual circumstances, as herein specified, the time limits prescribed in this subsection may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten (10) working days. As used in this subdivision, "unusual circumstances" means to the extent reasonably necessary to the proper processing of the particular request;

(A) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or

(B) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(_) No public officer or agency shall be required to prepare reports, summaries or compilations not in existence at the time of the request.

(_) If the person to whom the application is directed does not have custody or control of the record requested, the person shall notify the applicant and shall furnish the name and location of the official custodian of the record sought.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.